

### REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 37, 38, 42, 43, 47, 48, 52, 53 and 57-63 are presented for consideration. Claims 37, 38, 43, 48 and 53 are independent. Claims 39-41, 44-46, 49-51 and 54-56 have been canceled without prejudice or disclaimer. Claims 37, 38, 42, 43, 47, 48, 52, 53 and 57-59 have been amended to clarify features of the subject invention, while claims 60-63 have been added to recite additional features of the subject invention. Support for these changes and claims can be found in the original application, as filed. Therefore, no new matter has been added.

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action.

Claim 37 has been rejected 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,593,800 to Fujioka et al. in view of U.S. Patent No. 5,651,044 to Klotz, Jr. et al. Claims 38-41 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,661,408 to Kamieniecki et al. in view of the Klotz, Jr. et al. patent. Claims 42-59 have been rejected under 35 U.S.C. § 103 as being unpatentable over the Kamieniecki et al. patent in view of the Klotz, Jr. et al. patent as applied to claims 38-41, and further in view of the Fujioka et al. patent. Applicants submit that the cited art, whether taken individually or in combination, does not teach or suggest many features of the present invention as previously recited in claims 37-59. Therefore, these rejections are respectfully traversed. Nevertheless, Applicants submit that

independent claims 37, 38, 43, 48 and 53, for example, as presented, amplify the distinctions between the present invention and the cited art.

In one aspect of the present invention, independent claim 37 recites an electrostatic sensing apparatus for sensing a surface position of a shot region in a substrate to which a pattern is transferred by an exposure apparatus, said electronic sensing apparatus including a plurality of detection sections, and a system which selects at least one detection section from the plurality of detection sections, based on layout information of the shot region to be detected, and calculates the surface position based upon an output of the selected at least one detection section.

In another aspect of the present invention, independent claim 38 recites an exposure apparatus for transferring a pattern to a shot region in a substrate. The apparatus includes an electrostatic sensor, for sensing a surface position of the shot region, having a plurality of detection sections, and a system which selects at least one detection section from the plurality of detection sections, based on layout information of the shot region to be detected, and calculates the surface position based upon an output of the selected at least one detection section.

In yet another aspect of the present invention, independent claim 43 recites an exposure apparatus for transferring a pattern to a shot region in a substrate. The apparatus includes a plurality of electrostatic sensors, for sensing a surface position of the shot region, each having a plurality of detection sections, and a system which selects at least one detection section from the plurality of detection sections of the plurality of electrostatic sensors, based on layout information of the shot region to be detected, and calculates the surface position based upon

outputs of the selected at least one detection section of one of the plurality of electrostatic sensors.

In a further aspect of the present invention, independent claim 48 recites a scanning exposure apparatus for transferring a pattern of a mask to a shot region in a substrate by scanning the mask and the substrate relative to a slit-shaped exposure beam. The apparatus includes an electrostatic sensor, for sensing a surface position of the shot region, having a plurality of detection sections arranged in a direction perpendicular to a scanning direction of the mask and the substrate, and a system which selects at least one detection section from the plurality of detection sections, based on layout information of the shot region to be detected, and calculates the surface position based upon an output of the selected at least one detection section.

In still another aspect of the present invention, independent claim 53 recites a scanning exposure apparatus for transferring a pattern of a mask to a shot region in a substrate by scanning the mask and the substrate relative to a slit-shaped exposure beam. The apparatus includes a plurality of electrostatic sensors, for sensing a surface position of the shot region, each having a plurality of detection sections arranged in a direction perpendicular to a scanning direction of the mask and the substrate, and a system which selects at least one detection section from the plurality of detection sections of one of the plurality of electrostatic sensors based on layout information of the shot region to be detected, and calculates the surface position based upon outputs of the selected at least one detection section of one of the plurality of electrostatic sensors.

Accordingly, the present invention, as recited in the independent claims, provides the ability to select, for example, at least one detection section from a plurality of detection sections based on layout information of a shot region to be detected, and to calculate the surface position of the shot region in a substrate based upon an output of, for example, the selected at least one detection section.

Applicants submit that the cited art, whether taken individually or in combination, does not teach or suggest such features of the present invention, as recited in independent claims 37, 38, 43, 48 and 53.

The Examiner relies on the Fujioka et al. and Kamieniecki et al. patents for teaching electrostatic sensors having a plurality of detection sections and a device to select at least one detection section from the plurality of detection sections and to calculate a position, for example, of an object surface based on an output of a selected detection section.

The newly-cited patent to Klotz, Jr. et al. is directed to a capacitive proximity system for determining the position of components of a radiation imaging system with respect to a subject of examination. Applicants submit, however, that the Klotz, Jr. et al. patent is not related to any pattern transfer to a substrate, in the manner of the present invention.

Still further, Applicants submit that none of the Fujioka et al., Kamieniecki et al., and Klotz, Jr. et al. patents, whether taken individually or in combination, teaches or suggest the salient features of Applicants' present invention, as recited in the independent claims, which have been discussed above, of, for example, selecting at least one detection section from a plurality of detection sections based on layout information of a shot region in a substrate

subjected to pattern transfer. Accordingly, that art does not teach or suggest many features of the present invention, as recited in the independent claims.

For the foregoing reasons, Applicants submit that the present invention, as recited in independent claims 37, 38, 43, 48 and 53, is patentably defined over the cited art, whether that art is taken individually or in combination.

Dependent claims 42, 47, 52 and 57-63 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicants further submit that this Amendment After Final Rejection clearly places this application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 CFR 1.116.

Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010 All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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